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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,310	10/29/2003	David Beryl Lazarus	D3049	6536

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,310

Applicant(s)

LAZARUS, DAVID BERYL

Examiner

Quynh H. Nguyen

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 13, 14, and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-4 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Embree et al. (U.S. Patent 4,473,719) in view of Vardi et al. (U.S. 2002/0159577).

As to claim 1, Embree et al. teach detecting the hook status of a telephone line (col. 3, lines 5-7; col. 4, lines 9-11; col. 11, lines 50-53).

Embree et al. do not teach sending a message to the telephony device that the Internet Protocol telephone line is out-of-service.

Vardi et al. teach sending a message to the telephony device that the Internet Protocol telephone line is out-of-service (page 2, [0032] - [0034]; page 3, [[0051]]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of sending a message to the telephony device that the Internet Protocol telephone line is out-of-service, as taught by Vardi, in Embree's system thus making the system more efficient by determining the status of a telephone line and sending the status to the destination device, as discussed by Vardi (page 3, [0051]).

As to claims 2 and 3, Vardi et al. teach the message includes a voice message (page 4, [0059]) or a text message (page 4, lines 2-8).

Art Unit: 2642

As to claims 4 and 15, Vardi et al. teach sending a message indicating a telephone number to call to obtain service for the out-of-service Internet Protocol telephone line (page 4, lines 6-8 - *where Vardi discussed sending a more detailed status information of a telephone line, for example a telephone number to call to obtain service*).

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Vardi et al. teach an Internet Protocol interface coupled to an IP phone line (Fig. 1) and a processor detecting a hook status (page 3, [0051], lines 4-17).

Claim 17 is rejected for the same reasons as discussed above with respect to the second limitation of claim 1.

3. Claims 5-12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Embree et al. (U.S. Patent 4,473,719) in view of Vardi et al. (U.S. 2002/0159577) and further in view of Zhou (U.S. Patent 6,178,241).

As to claims 5 and 18, Embree et al. do not teach detecting Dual Tone Multiple Frequency tones on the out-of-service telephone line.

Zhou teaches detecting Dual Tone Multiple Frequency tones on the out-of-service telephone line (col. 2, lines 61-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Dual Tone Multiple Frequency tones are old, well known, and it is a conventional form of entering telephone digits.

Art Unit: 2642

As to claims 6-8 and 19, Embree et al. teach the end office monitoring the trunk, connecting the subscriber to an appropriate announcement (col. 23, lines 19-34). Obviously, after the user completing the call with the service provider (end office), the connection would be ended. For example, when the user receives message indicating that his or her telephone line is out-of-service, the user contacts the central office to inquire about the status of the line, and then hangs up the phone after the user completes the call.

As to claim 9, Zhou teaches applying a loop current to the telephone line (col. 2, lines 33-60).

As to claims 10-12, Zhou teaches applying a loop current for a predetermined interval and removing the loop current after the predetermined interval (col. 2, line 55 through col. 3, line 4).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Zhou (U.S. Patent 6,178,241).

As to claim 21, Zhou teaches a loop current controller controlling a loop current on a line and loop start signaling upon a hook status (col. 1, lines 33-60); a hook status

Art Unit: 2642

detector (hook detection module 900) detecting a hook status of a telephone device; a polling timer initiated upon removal of the loop current from the telecommunications line, and upon expiration of the off-hook polling timer the loop current controller applying the loop current to the telecommunications line (col. 11, line 34 through col. 12, line 19); a debounce timer initiated upon detection of an off-hook status and the debounce timer being stopped upon detection of an on-hook status by the hook status detector (col. 12, lines 20-61).

Polling timer initiated upon removal of the loop current from the telecommunications line, and upon expiration of the off-hook polling timer the loop current controller applying the loop current to the telecommunications line is one of a common and well known functions that performs in Line Circuits by operating telephone company in order to check a hook status of a line, and the advantage of using this function is also well known.

Allowable Subject Matter

6. Claims 13-14 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

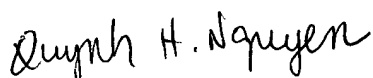
7. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2642

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quynh H. Nguyen
Patent Examiner
Art Unit 2642